

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, ex rel., et al.)	
)	
Plaintiff,)	
)	
vs.)	
)	
TYSON FOODS, INC., et al.)	
)	Case No. 05-CV-0329-JOE-SAJ
Defendants and)	
Third-Party Plaintiffs,)	
)	
)	
vs.)	
)	
CITY OF TAHLEQUAH, et al.)	
)	
Thirty-Party Defendants.)	

**ANSWER OF THIRD-PARTY DEFENDANT,
WAUHILLAU OUTING CLUB**

Third-Party Defendant, Wauhillau Outing Club (“Wauhillau”), hereby answers Third-Party Plaintiff’s Third-Party Complaint filed on October 4, 2005. Headings and paragraph numbering below correspond to those in the Third-Party Complaint.

I. BACKGROUND

1. With respect to paragraph 1 of the Third-Party Complaint, to the extent any allegations are directed to Wauhillau, they are denied.
2. With respect to paragraph 2 of the Third-Party Complaint, to the extent any allegations are directed to Wauhillau, they are denied.
3. With respect to paragraph 3 of the Third-Party Complaint, to the extent any allegations are directed to Wauhillau, they are denied.

4. With respect to paragraph 4 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

5. With respect to paragraph 5 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

6. With respect to paragraph 6 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

7. With respect to paragraph 7 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

8. With respect to paragraph 8 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

9. With respect to paragraph 9 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

II. PARTIES

10. With respect to paragraph 10 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

11. With respect to paragraph 11 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

12. With respect to paragraph 12 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

13. With respect to paragraph 13 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

14. With respect to paragraph 14 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

15. With respect to paragraph 15 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

16. With respect to paragraph 16 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

17. With respect to paragraph 17 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

18. With respect to paragraph 18 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

III. THIRD-PARTY DEFENDANTS

19. With respect to paragraph 19 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

20. With respect to paragraph 20 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

21. With respect to paragraph 21 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

22. With respect to paragraph 22 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

23. With respect to paragraph 23 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

24. With respect to paragraph 24 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

25. With respect to paragraph 25 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

26. With respect to paragraph 26 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

27. With respect to paragraph 27 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

28. With respect to paragraph 28 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

29. With respect to paragraph 29 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

30. With respect to paragraph 30 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

31. With respect to paragraph 31 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

32. With respect to paragraph 32 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

33. With respect to paragraph 33 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

34. With respect to paragraph 34 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

35. With respect to paragraph 35 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

36. With respect to paragraph 36 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

37. With respect to paragraph 37 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

38. With respect to paragraph 38 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

39. With respect to paragraph 39 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

40. With respect to paragraph 40 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

41. With respect to paragraph 41 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

42. With respect to paragraph 42 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

43. With respect to paragraph 43 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

44. Wauhillau admits that it is the owner of the real property described in the first sentence of paragraph 44 of the Third-Party Complaint. Wauhillau is without sufficient information at this time to admit or deny the allegation that such real property is located in the IRW, and therefore denies the allegation. Wauhillau denies the remaining allegations of paragraph 44 of the Third-Party Complaint and demands strict proof thereof.

45. With respect to paragraph 45 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

46. With respect to paragraph 46 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

47. With respect to paragraph 47 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

48. With respect to paragraph 48 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

49. With respect to paragraph 49 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

50. With respect to paragraph 50 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

51. With respect to paragraph 51 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

52. With respect to paragraph 52 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

53. With respect to paragraph 53 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

54. With respect to paragraph 54 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

55. With respect to paragraph 55 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

56. With respect to paragraph 56 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

57. With respect to paragraph 57 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

58. With respect to paragraph 58 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

59. With respect to paragraph 59 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

60. With respect to paragraph 60 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

61. With respect to paragraph 61 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

62. With respect to paragraph 62 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

63. With respect to paragraph 63 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

64. With respect to paragraph 64 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

65. With respect to paragraph 65 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

66. With respect to paragraph 66 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

67. With respect to paragraph 67 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

68. With respect to paragraph 68 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

69. With respect to paragraph 69 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

70. With respect to paragraph 70 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

71. With respect to paragraph 71 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

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74. With respect to paragraph 74 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

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78. With respect to paragraph 78 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

79. With respect to paragraph 79 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

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82. With respect to paragraph 82 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

83. With respect to paragraph 83 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

84. With respect to paragraph 84 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

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88. With respect to paragraph 88 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

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93. With respect to paragraph 93 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

94. With respect to paragraph 94 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

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100. With respect to paragraph 100 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

101. With respect to paragraph 101 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

102. With respect to paragraph 102 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

103. With respect to paragraph 103 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

104. With respect to paragraph 104 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

105. With respect to paragraph 105 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

106. With respect to paragraph 106 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

107. With respect to paragraph 107 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

108. With respect to paragraph 108 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

109. With respect to paragraph 109 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

110. With respect to paragraph 110 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

111. With respect to paragraph 111 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

112. With respect to paragraph 112 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

113. With respect to paragraph 113 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

114. With respect to paragraph 114 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

115. With respect to paragraph 115 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

116. With respect to paragraph 116 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

117. With respect to paragraph 117 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

118. With respect to paragraph 118 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

119. With respect to paragraph 119 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

120. With respect to paragraph 120 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

121. With respect to paragraph 121 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

122. With respect to paragraph 122 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

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125. With respect to paragraph 125 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

126. With respect to paragraph 126 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

127. With respect to paragraph 127 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

128. With respect to paragraph 128 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

129. With respect to paragraph 129 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

130. With respect to paragraph 130 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

131. With respect to paragraph 131 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

132. With respect to paragraph 132 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

133. With respect to paragraph 133 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

134. With respect to paragraph 134 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

135. With respect to paragraph 135 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

136. With respect to paragraph 136 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

137. With respect to paragraph 137 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

138. With respect to paragraph 138 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

139. With respect to paragraph 139 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

140. With respect to paragraph 140 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

141. With respect to paragraph 141 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

142. With respect to paragraph 142 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

143. With respect to paragraph 143 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

144. With respect to paragraph 144 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

145. With respect to paragraph 145 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

146. With respect to paragraph 146 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

147. With respect to paragraph 147 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

148. With respect to paragraph 148 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

149. With respect to paragraph 149 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

150. With respect to paragraph 150 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

151. With respect to paragraph 151 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

152. With respect to paragraph 152 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

153. With respect to paragraph 153 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

154. With respect to paragraph 154 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

155. With respect to paragraph 155 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

156. With respect to paragraph 156 of the Third-Party Complaint, Wauhillaui is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

157. With respect to paragraph 157 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

158. With respect to paragraph 158 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

159. With respect to paragraph 159 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

160. With respect to paragraph 160 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

161. With respect to paragraph 161 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

162. With respect to paragraph 162 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

163. With respect to paragraph 163 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

164. With respect to paragraph 164 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

165. With respect to paragraph 165 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

166. With respect to paragraph 166 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

167. With respect to paragraph 167 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

168. With respect to paragraph 168 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

169. With respect to paragraph 169 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

170. With respect to paragraph 170 of the Third-Party Complaint, Wauhilla is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

IV. JURISDICTION AND VENUE

171. With respect to paragraph 171 of the Third-Party Complaint, Wauhillau denies that this Court has proper subject matter jurisdiction. The remaining allegations of this paragraph are denied to the extent that they require a response.

172. Denied.

173. Denied.

V. STATEMENTS OF FACT

A. The Underlying Lawsuit

174. Admitted.

175. Paragraph 175 of the Third-Party Complaint does not require a response from Wauhillau but, to the extent any response is required, it is denied.

176. Paragraph 176 of the Third-Party Complaint does not require a response from Wauhillau but, to the extent any response is required, it is denied.

177. Paragraph 177 of the Third-Party Complaint does not require a response from Wauhillau but, to the extent any response is required, it is denied.

178. Paragraph 178 of the Third-Party Complaint does not require a response from Wauhillau but, to the extent any response is required, it is denied.

179. Paragraph 179 of the Third-Party Complaint does not require a response from Wauhillau but, to the extent any response is required, it is denied.

180. Paragraph 180 of the Third-Party Complaint does not require a response from Wauhillau but, to the extent any response is required, it is denied.

181. Paragraph 181 of the Third-Party Complaint does not require a response from Wauhillau but, to the extent any response is required, it is denied.

182. Paragraph 182 of the Third-Party Complaint does not require a response from Wauhillau but, to the extent any response is required, it is denied.

183. Paragraph 183 of the Third-Party Complaint does not require a response from Wauhillau but, to the extent any response is required, it is denied.

184. Paragraph 184 of the Third-Party Complaint does not require a response from Wauhillau but, to the extent any response is required, it is denied.

185. Paragraph 185 of the Third-Party Complaint does not require a response from Wauhillau but, to the extent any response is required, it is denied.

186. Paragraph 186 of the Third-Party Complaint does not require a response from Wauhillau but, to the extent any response is required, it is denied.

187. Paragraph 187 of the Third-Party Complaint does not require a response from Wauhillau but, to the extent any response is required, it is denied.

188. Paragraph 188 of the Third-Party Complaint does not require a response from Wauhillau but, to the extent any response is required, it is denied.

189. Paragraph 189 of the Third-Party Complaint does not require a response from Wauhillau but, to the extent any response is required, it is denied.

190. Paragraph 190 of the Third-Party Complaint does not require a response from Wauhillau but, to the extent any response is required, it is denied.

191. Paragraph 191 of the Third-Party Complaint does not require a response from Wauhillau but, to the extent any response is required, it is denied.

192. Paragraph 192 of the Third-Party Complaint does not require a response from Wauhillau but, to the extent any response is required, it is denied.

193. Paragraph 193 of the Third-Party Complaint does not require a response from Wauhillau but, to the extent any response is required, it is denied.

194. Paragraph 194 of the Third-Party Complaint does not require a response from Wauhillau but, to the extent any response is required, it is denied.

195. Paragraph 195 of the Third-Party Complaint does not require a response from Wauhillau but, to the extent any response is required, it is denied.

B. General Allegations Regarding Third-Party Defendants

196. Wauhillau incorporates its responses to paragraphs 1 through 195 as though fully set forth herein.

197. Paragraph 197 of the Third-Party Complaint does not require a response from Wauhillau but, to the extent any response is required, it is denied.

198. With respect to paragraph 198 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

199. With respect to paragraph 199 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

200. With respect to paragraph 200 of the Third-Party Complaint, to the extent the allegations are directed to Wauhillau, they are denied. With respect to balance of the allegations of paragraph 200 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

201. With respect to paragraph 201 of the Third-Party Complaint, to the extent the allegations are directed to Wauhillau, they are denied. With respect to balance of the allegations of paragraph 201 of the Third-Party Complaint, Wauhillau is without sufficient knowledge or information at this time to admit or deny the allegations, and therefore denies the allegations.

202. Paragraph 202 of the Third-Party Complaint does not require a response from Wauhillau but, to the extent any response is required, it is denied.

203. With respect to paragraph 203 of the Third-Party Complaint, to the extent the allegations are directed to Wauhillau, they are denied.

204. Paragraph 204 of the Third-Party Complaint does not require a response from Wauhillau but, to the extent any response is required, it is denied.

205. With respect to paragraph 205 of the Third-Party Complaint, to the extent the allegations are directed to Wauhillau, they are denied.

206. With respect to paragraph 206 of the Third-Party Complaint, to the extent the allegations are directed to Wauhillau, they are denied.

207. With respect to paragraph 207 of the Third-Party Complaint, to the extent the allegations are directed to Wauhillau, they are denied.

208. With respect to paragraph 208 of the Third-Party Complaint, to the extent the allegations are directed to Wauhillau, they are denied.

209. With respect to paragraph 209 of the Third-Party Complaint, to the extent the allegations are directed to Wauhillau, they are denied.

210. With respect to paragraph 210 of the Third-Party Complaint, to the extent the allegations are directed to Wauhillau, they are denied.

211. With respect to paragraph 211 of the Third-Party Complaint, to the extent the allegations are directed to Wauhillau, they are denied.

212. Paragraph 212 of the Third-Party Complaint does not require a response from Wauhillau but, to the extent any response is required, it is denied.

213. Paragraph 213 of the Third-Party Complaint does not require a response from Wauhillau but, to the extent any response is required, it is denied.

214. Paragraph 214 of the Third-Party Complaint does not require a response from Wauhillau but, to the extent any response is required, it is denied.

215. With respect to paragraph 215 of the Third-Party Complaint, to the extent the allegations are directed to Wauhillau, they are denied.

216. With respect to paragraph 216 of the Third-Party Complaint, to the extent the allegations are directed to Wauhillau, they are denied.

217. With respect to paragraph 217 of the Third-Party Complaint, Wauhillau admits that it received a letter from the Third-Party Plaintiffs in mid-October, 2005, but is without sufficient knowledge or information at this time to admit or deny the allegations of the balance of this paragraph, and therefore denies the allegations.

218. With respect to paragraph 218 of the Third-Party Complaint, to the extent the allegations are directed to Wauhillau, they are denied.

219. With respect to paragraph 219 of the Third-Party Complaint, to the extent the allegations are directed to Wauhillau, they are denied.

220. With respect to paragraph 220 of the Third-Party Complaint, to the extent the allegations are directed to Wauhillau, they are denied.

221. With respect to paragraph 221 of the Third-Party Complaint, to the extent the allegations are directed to Wauhillaau, they are denied.

WHEREFORE, Third-Party Defendant Wauhillaau Outing Club requests that judgment be granted in its favor and against the Third-Party Plaintiffs, and that it be awarded its costs and attorney fees, and such other relief as the Court deems proper.

AFFIRMATIVE DEFENSES

1. The Third-Party Complaint fails to state claims upon which relief can be granted.

2. Third-Party Plaintiffs' Complaint should be dismissed for failure to join one or more indispensable parties.

3. Third-Party Plaintiffs' claims are barred to the extent they rely on the retroactive application of any statute, regulation or standard of conduct.

4. Third-Party Plaintiffs' claims are barred to the extent they are predicated upon conditions located on private lands, within privately owned waters, on federal lands or any condition located within Indian Country.

5. The Third-Party Complaint should be dismissed due to Third-Party Plaintiffs' failure to identify and describe any specific lands they assert is a "facility" within the meaning of CERCLA.

6. Third-Party Plaintiffs' knowledge of the alleged conditions in the IRW has continued for such a period of time as to eliminate the existence of any "imminent and substantial endangerment" as a matter of law.

7. Third-Party Plaintiffs' Complaint should be dismissed due to the inadequacy of notice under 42 U.S.C. §6901 *et. seq.* and 42 U.S.C. §9601 *et. seq.*

8. Third-Party Plaintiffs' Complaint should be dismissed due to the inability to prove that any natural resource damage was caused by any release or discharge of a hazardous substance for which Wauhillaui could be held liable.

9. The Third-Party Complaint should be dismissed, in whole or in part, due to the inability to prove the existence of a release, threatened release, or natural resource damage resulting from each and every one of the constituents about which they complain.

10. The Third-Party Complaint should be dismissed due to the inability to prove that the release of an alleged hazardous substance of Wauhillaui would have caused the alleged natural resource damages apart from the alleged operations of the Third-Party Plaintiffs.

11. Third-Party Plaintiffs have failed to allege that they have performed any duty that was the duty of Wauhillaui to perform, and thus are not entitled to equitable relief pursuant to an unjust enrichment claim.

12. This Court lacks subject matter jurisdiction, and venue does not lie in the Northern District of Oklahoma, as most of the Illinois Watershed is in the Eastern District of Oklahoma.

13. Third-Party Plaintiffs' claims are barred, in whole or in part, due to failure to exhaust administrative remedies.

14. Third-Party Plaintiffs' claims are barred, in whole or in part, due to Third-Party Plaintiffs' failure to identify any specific act, omission or release on the part of the Wauhillaui for which Plaintiffs seek to hold Wauhillaui liable.

15. Third-Party Plaintiffs' claims are barred, in whole or in part, by the applicable statutes of limitation, statutes of repose and the equitable doctrine of laches.

16. Plaintiffs' claims are barred under the doctrines of estoppel, waiver and consent.

17. Third-Party Plaintiffs' claims are barred until such time as Total Maximum Daily Loads have been established for each constituent alleged, and for each water body alleged, as required by the federal Clean Water Act.

18. The Third-Party Complaint fails to state any facts to support any claim that any act or omission of Wauhillau directly and proximately resulted in any injury for which Plaintiffs can recover.

19. While continuing to deny the material allegations of the Complaint, Wauhillau states that Third-Party Plaintiffs' claims are barred, in whole or in part, by their own conduct that contributed to the injuries they claim.

20. Wauhillau states that Third-Party Plaintiffs' claims are barred, in whole or in part, by their unclean hands and the doctrine of *in pari delicto*.

21. Third-Party Plaintiffs' injuries, if any, are the result of intervening and/or superseding causes.

22. Wauhillau states that Third-Party Plaintiffs' claims are barred, in whole or in part, by their failure to mitigate their alleged damages.

23. The damages of which Third-Party Plaintiffs complain, if any, are the result of acts or omissions of individuals or entities over which Wauhillau has or had no control and for which Wauhillau has no responsibility.

24. Third-Party Plaintiffs' claims should be dismissed by virtue of Third-Party Plaintiffs' conduct, which results and resulted in the release of most, if not all, of the constituents alleged against Wauhillau.

25. Third-Party Plaintiffs cannot state a claim against Wauhillau as Wauhillau does not have any discharge to the IRW.

26. Third-Party Plaintiffs do not have a right of contribution for intentional torts.

27. Third-Party Plaintiffs' claim for indemnity will not lie, as there is no express or implied contractual relationship or any other legal relationship with Wauhillau which gives rise to an indemnity claim.

28. Third-Party Plaintiffs' Complaint should be dismissed, in whole or in part, due to Third-Party Plaintiffs' attempt to recover multiple remedies for the same alleged injury.

29. Third-Party Plaintiffs' claim for attorney's fees should be dismissed, as damages awarded for natural resource injuries cannot be utilized for the payment of attorney's fees.

30. Third-Party Plaintiffs' claim for pre-judgment interest should be dismissed for failure to state a claim upon which relief can be granted, because the amount of damages, if any, was not readily ascertainable at the time Third-Party Plaintiffs' lawsuit was commenced.

31. Wauhillau asserts that any award of punitive damages against Wauhillau would be unconstitutional as violative of the Double Jeopardy Clause of the Fifth Amendment, U.S. Const. Amend. V, the Excessive Fines Clause of the Eighth Amendment, U.S. Const. Amend. VIII, the Due Process Clause of the Fourteenth Amendment, U.S. Const. Amend. XIV, and the Constitutions of the States of Oklahoma and Arkansas.

32. Third-Party Plaintiffs do not have a right of contribution for actions not arising in tort.

33. Third-Party Plaintiffs' claims are barred, in whole or in part, by 42 U.S.C.A. § 6972(b)(2)(C).

34. Third-Party Plaintiffs do not have a right of contribution or indemnity under the Solid Waste Disposal Act or the Resource Conservation and Recovery Act.

35. The Third-Party Complaint should be dismissed, in whole or in part, because Wauhillau is not an "Animal feeding operation" within the meaning proscribed by 2 O.S. § 20-3(B)(2).

36. The Third-Party Complaint should be dismissed, in whole or in part, because the Oklahoma Concentrated Animal Feeding Operations Act does not give rise to a private cause of action.

37. Any discharge from Wauhillau is a permitted discharge under state and federal law.

38. Wauhillau hereby adopts and incorporates by reference any other statement of defense asserted by any other Defendant in this action.

Wauhillau Outing Club reserves the right to amend its Answer as discovery progresses to assert additional defenses, cross-claims, counterclaims and third-party claims.

Respectfully submitted,

/s/ Reuben Davis

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CERTIFICATE OF MAILING

I hereby certify that on May 26, 2006, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing and served the foregoing by mail on the following, who are not registered participants in the ECF System:

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